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April 8, 2004

## **VIA OVERNIGHT DELIVERY AND ELECTRONIC MAIL**

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
Commonwealth of Massachusetts  
One South Station, Second Floor  
Boston, MA 02110

RE: D.T.E. 04-33; In re Petition of Verizon New England Inc. for Arbitration of an Amendment to Interconnection Agreements with Competitive Local Exchange Carriers and Commercial Mobile Radio Service Providers in Massachusetts Pursuant to Section 252 of the Communications Act of 1934, as amended, and the *Triennial Review Order*

Richmond NetWorx's Response to the Department's Memorandum of March 26, 2004 and Comments Regarding Motions to Dismiss

Dear Ms. Cottrell:

Richmond Connections, Inc. d/b/a Richmond NetWorx, by counsel, hereby respectfully responds to the March 26, 2004 Memorandum ("Memorandum") of the Department of Telecommunications and Energy ("Department") and provides brief comments regarding the motions to dismiss the above-referenced proceeding.

In the Memorandum, the Department instructed each competitive local exchange carrier ("CLEC") that had not previously responded to the Petition for Arbitration ("Petition") of Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") to affirm its intent to participate in this proceeding or to identify the party that would represent its interests if it were not participating. The Department also extended the deadline for commenting on the motions to dismiss until April 9, 2004.

## **STATEMENT OF INTENT TO PARTICIPATE**

Richmond NetWorx affirms that it will participate in this proceeding as fully and as completely as necessary to ensure the continued availability of unbundled network elements ("UNEs") on fair and reasonable terms. Richmond NetWorx does not believe, however, that the Department should proceed to consider Verizon's Petition.

## COMMENTS REGARDING MOTIONS TO DISMISS

The Competitive Carrier Coalition and Sprint have filed motions to dismiss this proceeding. Those motions set forth numerous reasons why the Petition should be dismissed. While Richmond NetWorx will not repeat the arguments in the various motions to dismiss, it notes that both *USTA II*<sup>1</sup> and the procedural and legal defects identified in the motions to dismiss warrant dismissal of the Petition as to those CLECs who do not wish to move forward at this time. Richmond NetWorx supports these motions to dismiss, and requests that the Petition be dismissed as to it. In the alternative, Richmond NetWorx requests that this proceeding be held in abeyance, at least as to it, pending final resolution of the issues in *USTA II*.

Although Richmond NetWorx believes that it is premature now to arbitrate changes to interconnection agreements based on the *Triennial Review Order*, it does not oppose the Department permitting those CLECs who may wish to engage in negotiations or arbitration with Verizon to do so.

Finally, Richmond NetWorx respectfully requests that the Department allow 10 days following issuance of an order denying the motions to dismiss or denying requests for stay for parties to respond to the specific changes that Verizon seeks.

## PERSONS TO BE INCLUDED ON THE SERVICE LIST

The following should be added to the service list on behalf of Richmond NetWorx

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Thank you for your attention to this matter.

Sincerely,

John B. Adams

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<sup>1</sup> *United States Telecom Ass'n v. FCC*, No. 00-1012, slip op., (D.C. Cir. March 2, 2004) (*USTA II*).